

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A DAY CARE FACILITY AS AN ACCESSORY USE TO AN EXISTING CHURCH IN THE A-1 (AGRICULTURE DISTRICT); (SAINT ALBANS CHURCH / EDWARD LONGSTRETH, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 10-27-03 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A DAY CARE FACILITY AS AN ACCESSORY USE TO AN EXISTING CHURCH IN THE A-1 (AGRICULTURE DISTRICT); (SAINT ALBANS CHURCH / EDWARD LONGSTRETH, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A DAY CARE FACILITY AS AN ACCESSORY USE TO AN EXISTING CHURCH IN THE A-1 (AGRICULTURE DISTRICT); (SAINT ALBANS CHURCH / EDWARD LONGSTRETH, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 1 - Maloy)

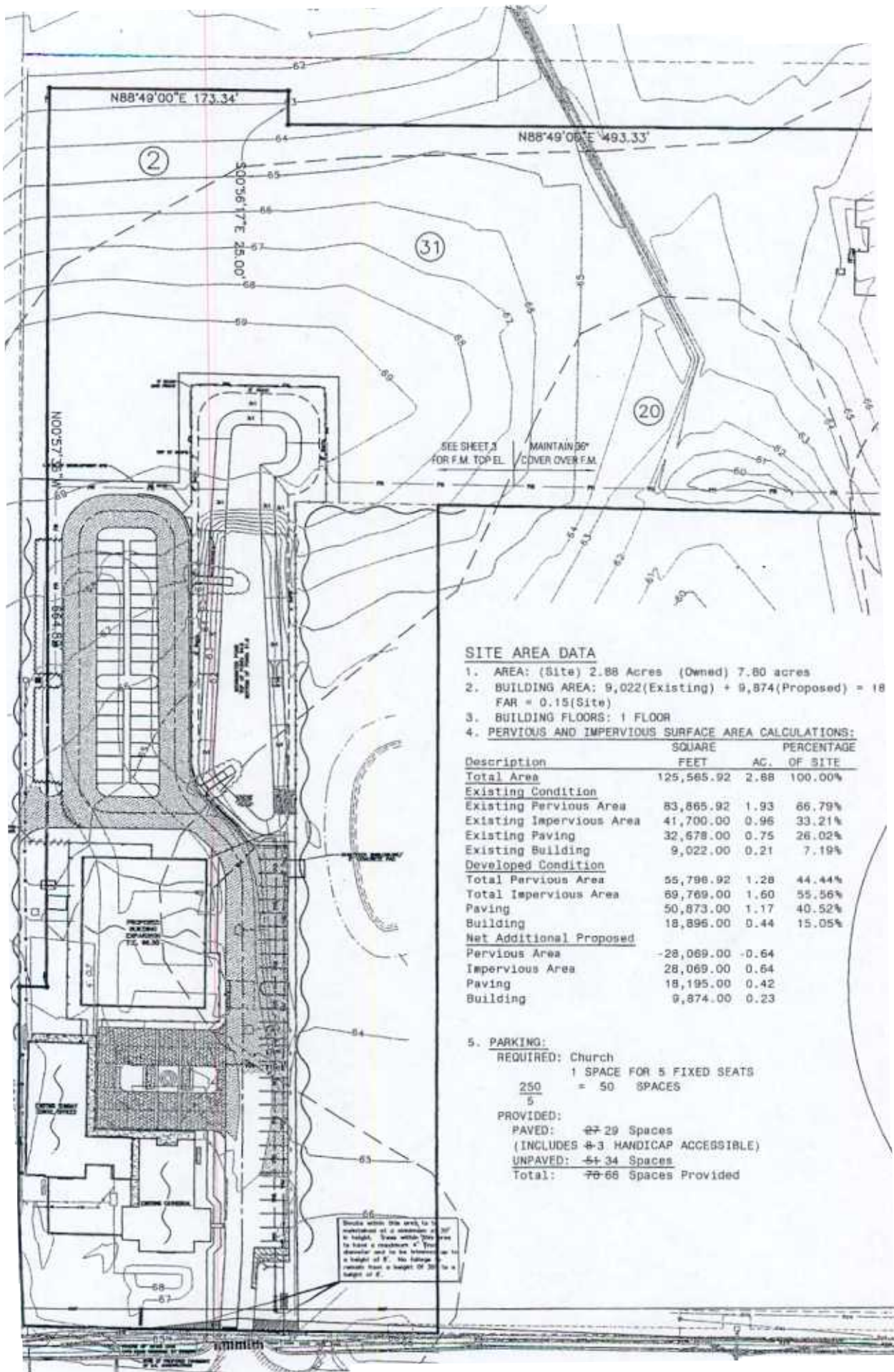
(Kathy Fall, Senior Planner)

GENERAL INFORMATION	APPLICANTS: SAINT ALBANS CHURCH, INC LOCATION: 3348 WEST STATE ROAD 426 ZONING: A-1 (AGRICULTURE DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE SUBJECT PROPERTY IS LOCATED IN THE A-1 DISTRICT, WHERE DAY CARE FACILITIES ARE CONDITIONAL USES ALLOWED ONLY BY SPECIAL EXCEPTION. • THE APPLICANTS ARE THEREBY REQUESTING A SPECIAL EXCEPTION TO ALLOW A DAY CARE FACILITY AS AN ACCESSORY USE TO AN EXISTING CHURCH. • ON NOVEMBER 5, 2001 A SITE PLAN WAS APPROVED FOR AN ADDITION TO THE EXISTING CHURCH, WHICH IS COMPRISED OF A HALL, CLASSROOMS AND

	<p>KITCHEN FACILITIES. THE PROPOSED DAY CARE OPERATION WOULD BE CONDUCTED IN THIS SECTION OF THE BUILDING.</p> <ul style="list-style-type: none">THE PROPOSED DAY CARE FACILITY WOULD SERVE A MAXIMUM OF 25 CHILDREN, AND THE PROPOSED OPERATING HOURS WOULD BE BETWEEN 7:00 AM AND 6:00 PM, MONDAY THROUGH FRIDAY.																								
ZONING & FLU	<table><tr><th>DIRECTION</th><th>EXISTING ZONING</th><th>EXISTING FLU</th><th>USE OF PROPERTY</th></tr><tr><td>SITE</td><td>A-1</td><td>OFFICE</td><td>CHURCH FACILITY</td></tr><tr><td>NORTH</td><td>VACANT</td><td>OFFICE</td><td>VACANT</td></tr><tr><td>SOUTH</td><td>A-1</td><td>LDR</td><td>SINGLE-FAMILY</td></tr><tr><td>EAST</td><td>PCD</td><td>HIP-TR</td><td>VACANT</td></tr><tr><td>WEST</td><td>PUD</td><td>HIP-TR</td><td>MULTI-FAMILY</td></tr></table>	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY	SITE	A-1	OFFICE	CHURCH FACILITY	NORTH	VACANT	OFFICE	VACANT	SOUTH	A-1	LDR	SINGLE-FAMILY	EAST	PCD	HIP-TR	VACANT	WEST	PUD	HIP-TR	MULTI-FAMILY
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STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>THE PROPOSED DAY CARE FACILITY WOULD BE AN ACCESSORY USE. STAFF BELIEVES A DAY CARE CENTER OF THE SIZE PROPOSED WOULD BE LESS INTENSE THAN THE EXISTING CHURCH AT ITS PEAK HOURS OF OPERATION. FOR THIS REASON, THE PROPOSED USE WOULD BE COMPATIBLE WITH THE TRENDS OF DEVELOPMENT IN THE AREA.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>A DAY CARE FACILITY OF THE SIZE PROPOSED WOULD GENERATE APPROXIMATELY 100 TRIPS PER DAY. PROPOSED HOURS OF OPERATION WOULD OCCUR DURING WEEKDAYS, WHERE TRAFFIC IMPACT FROM THE PRINCIPAL (CHURCH) USE WOULD BE NEGLIGIBLE. FURTHERMORE, THE NUMBER OF TRIPS PROJECTED BY THE PROPOSED DAY CARE FACILITY WOULD BE FAR LESS THAN THE NUMBER GENERATED BY THE EXISTING CHURCH DURING PEAK OPERATING HOURS.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>THE SUBJECT PROPERTY HAS OFFICE FUTURE LAND USE (FLU). THE SEMINOLE COUNTY VISION 2020</p>																								

	<p>COMPREHENSIVE PLAN DESCRIBES OFFICE FLU AS APPROPRIATE FOR USES THAT SERVE AS AN EFFECTIVE TRANSITION BETWEEN HIGHER INTENSITY NONRESIDENTIAL USES AND HIGH, MEDIUM AND LOW DENSITY RESIDENTIAL USES. THEREFORE, THE EXISTING CHURCH, IN COMBINATION WITH THE PROPOSED DAY CARE FACILITY, WOULD APPROPRIATELY SERVE AS A TRANSITIONAL USE BETWEEN THE EXISTING MULTI-FAMILY USES TO THE WEST AND THE RANGE OF USES THAT PLANNED COMMERCIAL DEVELOPMENT DISTRICT ZONING ALLOWS ON THE VACANT PROPERTY TO THE EAST.</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED IMPROVEMENTS WOULD ADHERE TO THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE A-1 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>WITHIN THE A-1 DISTRICT, DAY CARE FACILITIES ARE ALLOWED AS CONDITIONAL USES. STAFF BELIEVES THE PROPOSED DAY CARE CENTER WOULD BE LESS INTENSE THAN THE EXISTING CHURCH, WHICH IS PERMITTED BY RIGHT. STAFF FURTHER BELIEVES THE PROPOSED USE WOULD BE CONSISTENT WITH THE RANGE OF USES PERMITTED IN THE A-1 DISTRICT AND THEREBY COMPATIBLE WITH NEARBY AND ADJACENT DEVELOPMENT.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT); LDC SECTION 30.124(a) AND STAFF FINDINGS</p>	<p>THE BOA MAY PERMIT ANY USE ALLOWED BY SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT) UPON MAKING FINDINGS OF FACT, IN ADDITION TO THOSE REQUIRED BY SECTION 30.43(B)(2) OF THE LAND DEVELOPMENT CODE, THAT THE USE:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-1 (AGRICULTURE DISTRICT):</u></p> <p>AS PREVIOUSLY STATED, THE PROPOSED USE WOULD AN ACCESSORY USE TO THE EXISTING CHURCH. IT WOULD THEREFORE BE CONSISTENT WITH THE CHARACTER OF THE AREA.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>THE REQUEST WOULD NOT BE HIGHLY INTENSIVE IN NATURE, SINCE NO PHYSICAL IMPROVEMENTS TO THE PROPERTY OTHER THAN INTERNAL BUILDING MODIFICATIONS ARE PLANNED. PROPOSED HOURS OF OPERATION WOULD BE COMPARABLE TO THE EXISTING</p>

	<p>USE.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>THE SUBJECT PROPERTY HAS ACCESS TO ADEQUATE LEVELS OF PUBLIC SERVICE INCLUDING COUNTY WATER, SEWER, POLICE PROTECTION, AND SOLID WASTE.</p>
STAFF RECOMMENDATION	<p>STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH A DAY CARE FACILITY AS AN ACCESSORY USE TO AN EXISTING CHURCH, BASED ON THE STATED FINDINGS AND SUBJECT TO THE FOLLOWING CONDITIONS:</p> <ol style="list-style-type: none">1. THE FINAL SITE PLAN SHALL MEET ALL APPLICABLE SEMINOLE COUNTY LAND DEVELOPMENT CODE AND COMPREHENSIVE PLAN REGULATIONS.2. NO MORE THAN 25 CHILDREN SHALL BE ALLOWED.3. THE DAY CARE FACILITY OPERATING HOURS SHALL BE MONDAY THRU FRIDAY FROM 7:00AM TO 6:00PM.



SITE AREA DATA

1. AREA: (Site) 2.88 Acres (Owned) 7.80 acres
2. BUILDING AREA: 9,022(Existing) + 9,874(Proposed) = 18 FAR = 0.15(Site)
3. BUILDING FLOORS: 1 FLOOR
4. PVIOUS AND IMPVIOUS SURFACE AREA CALCULATIONS:

Description	SQUARE FEET	AC.	PERCENTAGE OF SITE
Total Area	125,565.92	2.88	100.00%
Existing Condition			
Existing Pervious Area	83,865.92	1.93	66.79%
Existing Impervious Area	41,700.00	0.96	33.21%
Existing Paving	32,678.00	0.75	26.02%
Existing Building	9,022.00	0.21	7.19%
Developed Condition			
Total Pervious Area	55,796.92	1.28	44.44%
Total Impervious Area	69,769.00	1.60	55.56%
Paving	50,873.00	1.17	40.52%
Building	18,896.00	0.44	15.05%
Net Additional Proposed			
Pervious Area	-28,069.00	-0.64	
Impervious Area	28,069.00	0.64	
Paving	18,195.00	0.42	
Building	9,874.00	0.23	

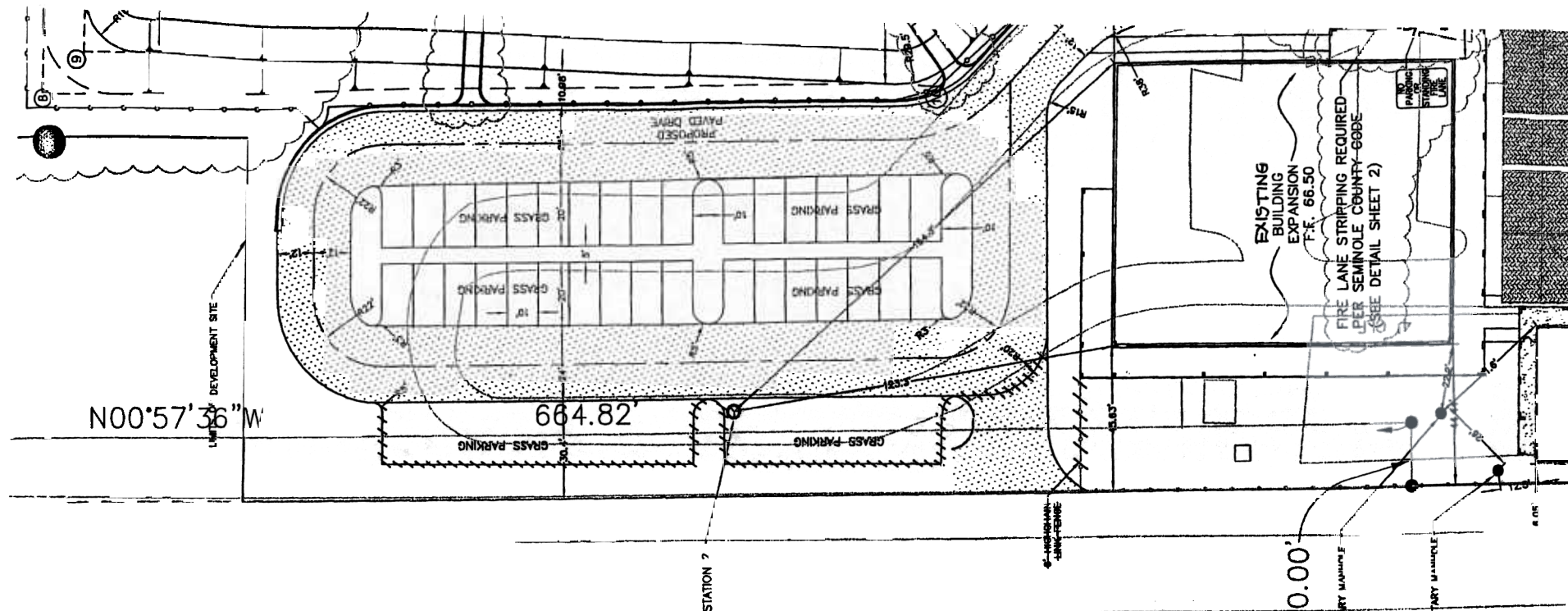
5. PARKING:

REQUIRED: Church
1 SPACE FOR 5 FIXED SEATS
 $\frac{250}{5} = 50$ SPACES

PROVIDED:

PAVED: 29 Spaces
(INCLUDES 3 HANDICAP ACCESSIBLE)
UNPAVED: 34 Spaces
Total: 63 Spaces Provided

Structure within this area, to be maintained at a maximum of 20' in height. Trees within this area to have a maximum of 20' in height and to be maintained to a height of 10'. No storage is permitted in this area to a height of 10'.



PAVEMENT SECTIONS DO NOT MEET
SEMINOLE COUNTY STANDARDS AT
OWNERS OPTION.

1" TYPE S-III ASPHALT (FDOT SPEC)

4" SOIL CEMENT BASE - COMPACTED
TO 98% OF AASHTO T-134. SOIL
CEMENT SHALL HAVE A 7 DAY DESIGN
STRENGTH OF AT LEAST 350 PSI.

TOP 12" TO BE COMPACTED TO A MINIMUM OF
98% OF THE SOIL'S MAXIMUM PROCTOR DENSITY
VALUE (AASHTO T-180).

EXTEND BASE 12" ALONG SIDES OF

1-1/2" TYPE S-III ASPHALT (FDOT SPEC)

8" SOIL CEMENT BASE - COMPACTED TO 98%
OF AASHTO T-134. SOIL CEMENT SHALL HAVE A
7 DAY DESIGN STRENGTH OF AT LEAST 350 PSI.

TOP 12" TO BE COMPACTED TO A MINIMUM OF
98% OF THE SOIL'S MAXIMUM PROCTOR DENSITY
VALUE (AASHTO T-180).

EXTEND BASE 12" ALONG SIDES OF
PAVEMENT WHEN CURB IS NOT USED

N89°13'57"E 20.00'

4" SOIL CEMENT BASE

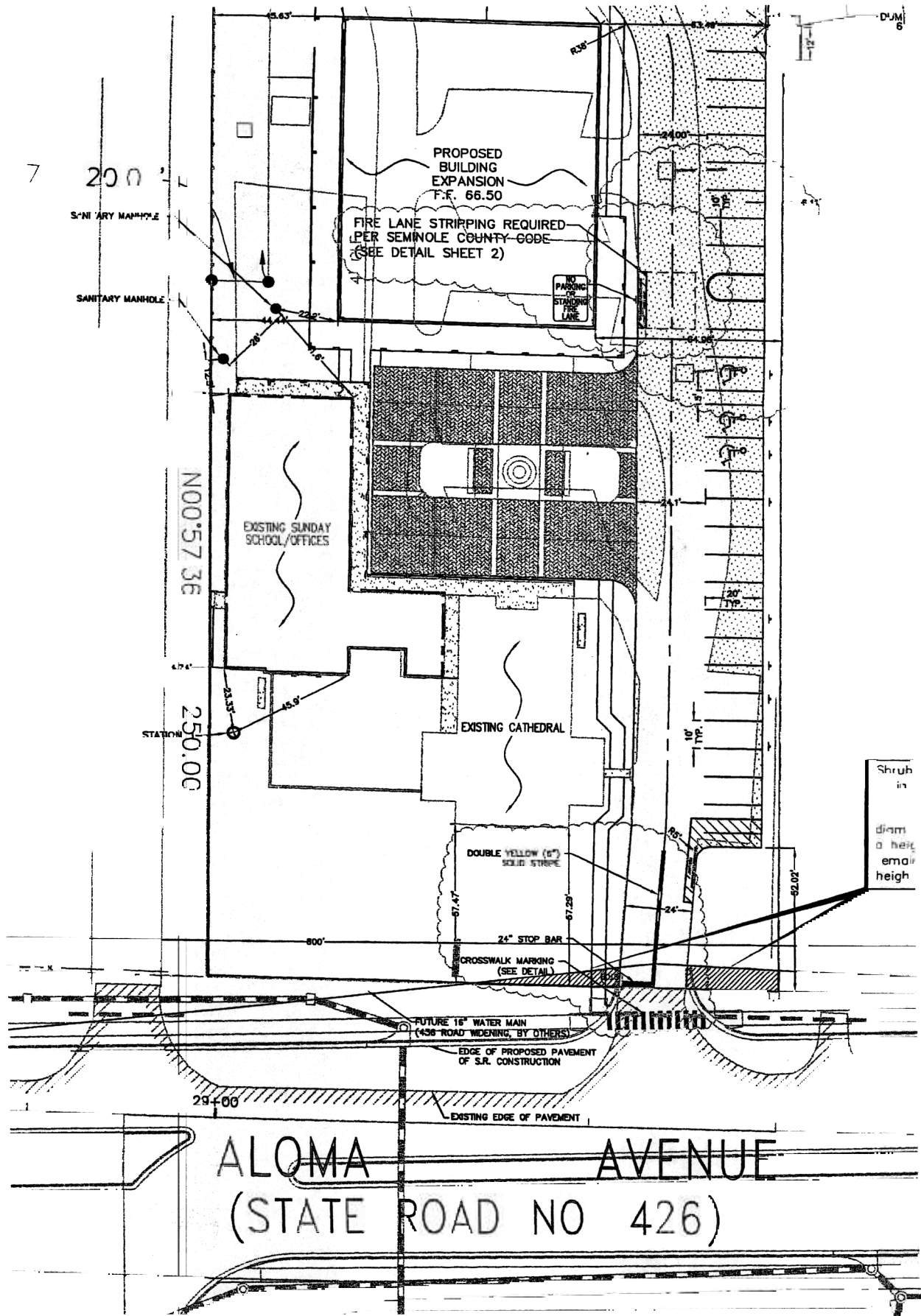
4" SOIL CEMENT BASE

EXISTING
BUILDING
EXPANSION
F.F. 66.50

FIRE LANE STRIPPING REQUIRED
PER SEMINOLE COUNTY CODE
(SEE DETAIL SHEET 2)

PAVED
DRIVE

8' OR



- POINT
LAY
- LOC
- 8
 - 7
 - 6
 - 5
 - 4
 - 3
 - 2
 - 1

**SPECIAL EXCEPTION
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: EDWARD LONGSTRAITH / ST ALBANS CHURCH INC

COMPLETE MAILING ADDRESS: 3348 W SR 426 OVIDO FL 32765

PHONE: WORK: 407/682-0355 HOME: 407/332-6066 FAX: 407/682-3976

CELL PHONE: _____ Email: _____

PROPERTY OWNER OF RECORD: ST ALBANS CHURCH INC

SITE OF REQUEST: 3348 W. S.R. 426 OVIDO FL 32765

REQUEST: Special exception to est. day care center for 20-25 children (preschool / kindergarten)
(NO BUILDING A, FIRST USAGE)

SOURCE OF WATER AND SEWER SERVICE: County water & sewer

LEGAL DESCRIPTION OF PROPERTY: Please see attached property appraiser report

TAX PARCEL I.D. 31-21-31-300-020A-0000 ^{COMBINES 2 FORMER PARCELS} (31-21-31-300-021B-0000/31-21-31-300-021E-0000)

GENERAL LOCATION (Directions): North side of S.R. 426, approx 600 FT east of S.R. 426
and S.R. 417 (Central FL Greenway) intersection

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: None

CURRENT USE OF PROPERTY: Church

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Submit ten (10) site plans and one (1) reduced 11" X 17" copy of the site plan. A completed Concurrency Review Application. A letter of authorization from the property owner if applicant is not the owner and application fee

SIGNATURE OF APPLICANT Edward Longstrath ^{For ST ALBANS CHURCH INC} DATE 9.20.03

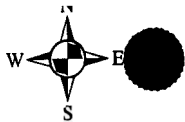
FOR OFFICE USE ONLY	
FEE: _____ / _____	CC _____ / _____ DATE _____ ZONING DISTRICT: <u>A-1</u>
FURTHER DESCRIBED AS: _____	
LOT SIZE: _____	
PROCESSING:	
A. LEGAL AD TO NEWSPAPER _____ / _____	B.. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____ / _____	D. PROJECT NO. <u>03-32000035</u>
E. BOARD ACTION / DATE _____ / _____	F. LETTER TO APPLICANT _____

PLANNER ERM
& for occur issues (Mythic Core 02.0.)

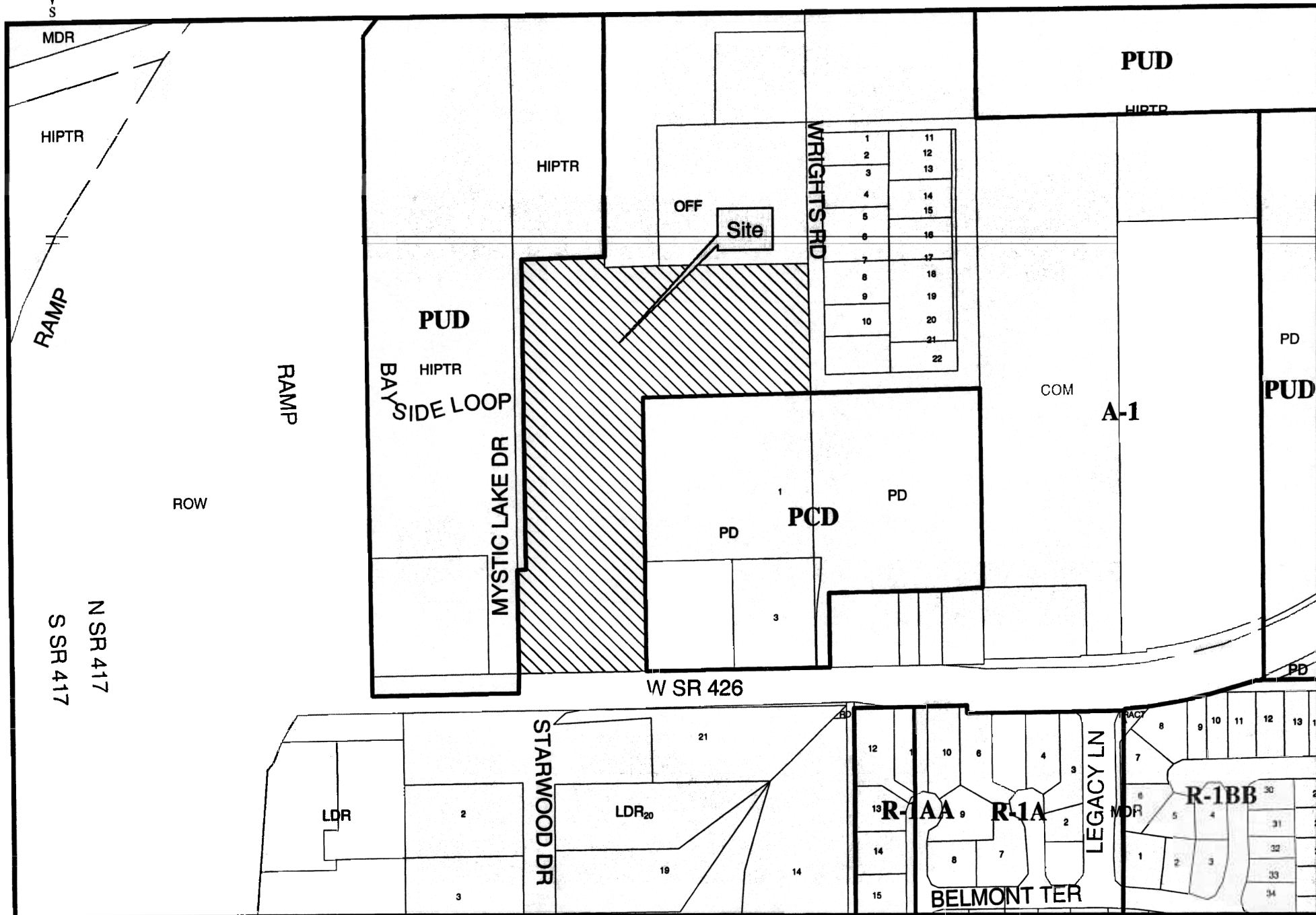
DISTRICT: 1-Mahy

FILE NO. BS2003-025

MEETING DATE 10-27-03



t. Albans Church I
3348 W. SR 426



0 150 300 600 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEC 31 TWP 21S RGE 31E BEG 2057.61 FT E & 49.05 FT N OF W
1/4 COR RUN N 250 FT E 20 FT N
664.82 FT N 88 DEG 49 MIN 00 SEC E 173.34 FT S 25 FT N 88
DEG 49 SEC 00 MIN E 493.33 FT S 280.54 FT W
384.91 FT S 613.98 FT W 301.26 FT TO BEG

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: St. Albans, Inc
3348 West State Road 426
Oviedo, FL 32765

Requested Development Approval:

1. Special Exception for a daycare facility, for up to 25 children, as an accessory use to an existing church.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The ~~aforementioned~~ application for development approval is **GRANTED**.
- (2) All ~~development~~ shall fully comply with all of the codes and ordinances in effect in ~~Seminole~~ County at the time of issuance of permits including all impact fee ~~ordinances~~.
- (3) The ~~conditions~~ upon this development approval and the commitments made as to this ~~development~~ approval, all of which have been accepted by and agreed to by the ~~owner~~ of the property are as follows:
 - A. ~~THE FINAL SITE PLAN SHALL MEET ALL APPLICABLE SEMINOLE COUNTY LAND DEVELOPMENT CODE AND COMPREHENSIVE PLAN REGULATIONS.~~
 - B. ~~NO MORE THAN 25 CHILDREN SHALL BE ALLOWED.~~
 - C. ~~THE DAYCARE OPERATING HOURS SHALL BE MONDAY THRU FRIDAY 7:00AM TO 6:00PM.~~
- (4) This ~~Development~~ Order touches and concerns the ~~aforescribed~~ property and the ~~conditions~~, commitments and provisions of this Development Order shall ~~perpetually~~ burden, run with and follow the said property and be a servitude upon and ~~binding~~ upon said property unless released in whole or part by action of ~~Seminole~~ County by virtue of a document of equal dignity herewith. The owner of the ~~said~~ property has expressly covenanted and agreed to this provision and all ~~other~~ terms and provisions of this Development Order.
- (5) The ~~terms~~ and provisions of this Order are not severable and in the event any ~~portion~~ of this Order shall be found to be invalid or illegal then the entire order shall ~~be~~ null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: